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OIS Policy

2 messages

John Garcia <JGarcia@cityofraton.com>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Wed, Feb 8, 2017 at 10:30 AM

Darlene,

I apologize for the late response but here is the current OIS policy we have in effect. We are currently in the process of updating all policies including this one. As soon as we have a new one in place I will be happy to send it to you. If by chance you have a model policy I would definitely be interested in viewing it. Thank you and have a great day.

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Montoya, Darlene <dmontoya@nmag.gov>
To: JGarcia@cityofraton.com

Thu, Feb 9, 2017 at 9:27 AM

Your message

To: Montoya, Darlene
Subject: OIS Policy
Sent: 2/8/17, 10:30:11 AM MST

was read on 2/9/17, 9:27:09 AM MST

POLICE DEPARTMENT GENERAL ORDERS

<i>Subject :</i> INVESTIGATION OF OFFICER-INVOLVED SHOOTINGS	<i>Effective Date</i> August 30, 2012	<i>Amended Date</i>	<i>Number</i> 2-55
<i>Reference :</i> Standards: IACP #76 NMSA			<i>No.</i> <i>revision</i> 5

I PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shooting incidents.

II POLICY

It is the policy of this department that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if officer actions conform to the law and this department's policy on use of force.

III. PROCEDURES

A. On-Scene Responsibilities

Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.

1. Ensure that the threats to officer safety and the safety of others are over.
2. Secure and separate suspects.
3. Relay information on fleeing suspects to communications and other field units and work with them to establish a containment area.
4. Request a supervisor and additional backup, emergency medical services, if necessary and any other assistance required immediately.
5. If injured, administer emergency first aid to oneself first if possible. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.

6. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.
7. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
8. As time and capabilities permit before supervisory and other assistance arrives:
 - a Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured.
 - b Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive, Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - c Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

B. Supervisory Responsibilities at the Scene

1. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
2. If the officer has been shot or otherwise injured in the shooting:
 - a Ensure that an officer accompanies and remains with the officer at the hospital.

Ensure that the officer's family is notified on a priority basis and in person when possible. If possible insure that they are assigned transportation to the hospital or other location where they are needed as soon as possible.
 - c Do not release the officer's name to the media or unauthorized parties prior to the family's being notified.
 - d. If possible assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters.

- e Ensure that the clothing of Officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded.
- 3. If the officer is not injured, move him away from the center of activity accompanied by another officer. Ensure that all necessary steps are taken consistent with this department's policy on dealing with post-shooting trauma.
- 10. Confirm that the preliminary steps described in item IIIA have been adequately addressed and, if not, take appropriate action to ensure that necessary actions are taken.
- 10. Ensure that the immediate area is contained and detain any suspects therein.
- 10. Make notifications to other department personnel, to include:
 - 10. Watch commander
 - 10. Chief of police
 - 10. State Police Investigators
 - 10. Legal advisor, (City Attorney)
 - 10. Medical Investigator
 - 10. Chaplain
 - 10. City Manager
 - 10. Mayor
- 10. Establish a command post if necessary
- 10. If possible appoint a recorder or begin to make a chronological record of activities at the scene, to include: persons present, actions taken by police personnel and the identity of any personnel who entered the incident/crime scene, to include emergency medical and fire personnel.
- 10. If necessary establish a media staging area as time permits unless a public information officer (City Manager) assumes this responsibility.
- 10. Diagram the scene and photograph it if a camera is available.

11. Begin doing the following:
 - a. locate and secure-or secure in place-the officer's weapon(s) and ammunition casings. Check the weapons of all officers present for discharge.
 - b. Locate the suspect's weapon(s), ammunition and expended cartridges.
 - c. Collect information about the suspect, including name, physical description, domicile and other pertinent information.
 - d. Locate and secure as evidence any clothing that may have been removed from the suspect by emergency medical personnel or others.
 - e. Determine the original position of the officer(s) and the suspect at time of shooting.

C. Post-Shooting Trauma

1. Supervisory, investigative and other sworn and non-sworn employees shall be familiar with and follow the provisions established by this department in its policy on dealing with post-shooting emotional trauma in police personnel.

All personnel shall be familiar with the provisions of this department's policy on employee mental health services and should avail themselves of these services following officer-involved shooting incidents where appropriate.

D. Investigator's Responsibilities

Investigation of officer-involved shootings shall be the responsibility of this department or as may be alternatively designated by the Chief of Police. The lead investigator will serve as OIC and shall be responsible for ensuring that the following tasks are adequately addressed in the order deemed necessary and appropriate.

1. Ensure that tasks itemized above in sections A and B of this policy have been appropriately and adequately completed. Take measures to ensure that any deficiencies in completing tasks are immediately remedied.

Receive a general briefing and walk-through by the supervisory officer regarding the

 - circumstances surrounding the shooting.
3. Ensure that the overall scene and evidentiary items are photographed and videotaped. Videotape all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken; to include any injuries sustained.
4. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.

5. Obtain taped statements from the suspects.
6. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
7. Locate and identify witnesses and conduct initial tape-recorded interviews.
8. Tape record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.
9. Conduct separate tape-recorded interviews with each officer involved.
 - a. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information.

Advise the officers not to discuss the incident with anyone except a personal or city attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.
 - c. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.)
10. Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officers in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.
11. Where an officer has died, the OIC shall ensure that policy and procedures established by this department for line-of-duty deaths and death notifications are followed.
12. Contact the medical investigator and attend autopsy of officer and for suspect. Determine entrance and exist wounds, estimates of the shooter's position, the presence of controlled substances in the decedent's blood or other related evidence.
13. Obtain search warrants as necessary for searches of vehicles, containers, homes and vehicles.
14. Develop a statement of preliminary basic facts for the media to be delivered by the department spokesperson in conformance with this department's policy on media relations.